

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

J.K.S. Realty, LLC, et al.

_____ v.

09-cv-174-PB

City of Nashua

O R D E R

It does not appear from the complaint that the plaintiff has alleged a federal law claim that is ripe for review. See, e.g., SFW Arecibo, Ltd. v. Rodriguez, 415 F.3d 135, 139 (1st Cir. 2005) (“[b]ecause the developers have not sought just compensation through those state law procedures, their complaint does not state a valid federal takings claim”); see also Williamson County Reg’l Planning Comm’n v. Hamilton Bank of Johnson City, 473 U.S. 172, 193 (1985). Accordingly, it appears that the case should be remanded to state court to permit plaintiff to pursue state law takings remedies. Any party that opposes remand shall show cause as to why the case should not be remanded on or before August 16, 2009.

The motion to dismiss (Doc. No. 6) is denied without prejudice.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

July 16, 2009

cc: Arthur Greene, Esq.
James McNamee, Jr., Esq.